

PATENT
Attorney Docket No. 07990.0025-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Edward J. SARE et al.) Group Art Unit: Not Yet Assigned
Application No.: **10/567,433**) Examiner: Not Yet Assigned
§ 371 of PCT/US2004/018934)
Filed: February 6, 2006)
For: HIGH WHITENESS METAKAOLIN AND) Confirmation No.: 8450
HIGH WHITENESS FULLY CALCINED)
KAOLIN FOR PERMIN APPLICATIONS)

Attention: PCT Legal Staff
MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

VIA EFS-Web

Sir:

**P9ETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

According to the Notification of Abandonment mailed March 27, 2007, the above-identified application became abandoned for failure to file a timely and proper response to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on June 9, 2006. An investigation of files kept by the attorneys of record (and whose correspondence address is associated with this application) revealed that a copy of that Notification was not received. Assuming that Notification set a standard two (2) month period for response, the abandonment date of this application was August 10, 2006 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefor). The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant hereby petitions for revival of this application. The petition fee of \$1,500.00 under 37 C.F.R. § 1.17(m) is submitted herewith. Because this application was filed on or after June 8, 1995, no terminal disclaimer is required.

As mentioned above, neither Applicant nor the attorneys of record received a copy of the Notification of Missing Requirements. A copy of that paper is not available through the Office's Private PAIR system (see Exhibit A) and a telephone call placed to the Office's PCT Operations National Stage Division on April 5, 2007, revealed that the Office also does not have a copy of the paper. However, Applicant believes that the Notification was mailed because this application under 35 U.S.C. § 371 was submitted without an Oath or Declaration. To fulfill that requirement, Applicant submits herewith Declarations and Powers of Attorneys from each of the named inventors, along with the \$130.00 surcharge set forth in 37 C.F.R. § 1.492(h) that would have been required for the late submission. If any other items necessitated the Notification of Missing Requirements, Applicant respectfully requests that the Office so inform the undersigned representative so that a complete submission can be made.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the Director is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

/Robert C. Stanley/

By: _____

Robert C. Stanley
Reg. No. 55,830

Dated: April 16, 2007